

## LAND SURVEYORS SECTION MEETING

### MINUTES

The Land Surveyors Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 12, 2011, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Paul deC. Holt, Jr.  
Nancy E. McIntyre  
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Kathleen R. Nosbisch, Executive Director  
Marian H. Brooks, Board Administrator  
Justin Garofalo, Board Administrator  
Amy Goobic, Administrative Assistant  
Kristin Becker, Legal Analyst

No representative was present from the Office of the Attorney General.

Mr. Stephenson, Chair, called the meeting to order at 9:40 a.m.

#### **Call to Order**

Mr. Stephenson advised the section of the emergency evacuation procedures.

#### **Emergency Evacuation Procedures**

Ms. McIntyre moved to approve the agenda. Mr. Holt seconded the motion which was unanimously approved by members: Holt, McIntyre, and Stephenson.

#### **Approval of Agenda**

**Public Comment Period** – Mr. Frank Potts, LS, was present to address the Section. Mr. Potts provided the Section with a letter he had written regarding localities, specifically Louisa County, acceptance of surveys and/or site plans that are not prepared by a licensed professional, thus not adhering to the Board's regulations. The Section members agreed that preliminary plans do not have to be prepared by a licensed professional, however any plan submitted for permitting must be signed and sealed. Mr. Potts is hoping that the Section or the Board could offer clarification and guidance on the topic.

#### **Public Comment**

The Section requested a letter be drafted to Louisa County, expressing the Board's concern over localities acceptance of plans from unlicensed persons. Ms. Nosbisch stated that a draft letter will be presented to the full board at its

June 16 meeting.

Mr. Potts also asked for clarification on Riparian rights. The section agreed that they are established by the courts and are not under the purview of the board.

Regarding **File number 2010-05602, Melvin L. Corso**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Corso. Mr. Stephenson moved to recommend that the Board accept the Consent Order which cites the following violations of the Board regulations: 18VAC10-20-730.C (Count 1); 18VAC10-20-370.B (Count 2); 18VAC10-20-370.D.1 (Count 3); and 18VAC10-20-370.D.2 (Count 4). For these violations Mr. Corso agrees to the following sanctions: \$500.00 for the violation contained in Count 1; \$200.00 for the violation contained in Count 2; \$200.00 for the violation contained in Count 3; \$700.00 for the violation contained in Count 4; as well as \$150.00 in Board costs for a total monetary penalty of \$1,750.00. Mr. Holt seconded the motion which was unanimously approved by members: Holt and Stephenson.

**File Number 2010-05602, Melvin L. Corso**

As the presiding Board member, Ms. McIntyre was not present during the discussion or vote.

Regarding **File Number 2011-03952, Thomas Chamberlin, Sr.**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcript, exhibits and the summary and recommendation of the presiding Board member. Ms. McIntyre moved to recommend the Board accept the recommendation of the presiding Board member and approve the one time waiver of the 16 hour Continuing Education requirement, by reason of undue hardship. Mr. Holt seconded the motion which was approved by members: Holt and McIntyre. Mr. Stephenson voted not to accept the recommendation.

**File Number 2011-03952, Thomas Chamberlin, Sr.**

Mr. Stephenson moved to nominate Ms. McIntyre as Section chair. Mr. Holt seconded the motion which was unanimously approved by members: Holt, McIntyre and Stephenson.

**Election of Section Chair**

The Section reviewed correspondence from a licensed Land Surveyor with concern over localities acceptance of house location surveys modified by an unlicensed person. The correspondence also included a Technical Memorandum from the Fairfax County Department of Planning and Zoning, stating such. Ms. McIntyre stated that there were two issues of concern: use of another professional's work and unlicensed activity. Ms. McIntyre asked if correspondence had ever been sent to code officials expressing the board's concerns on these issues. Ms. Nosbisch informed the Section that the LA

**Acceptance of House Location Surveys Modified by Unlicensed Survey Practice**

Section requested a letter be drafted and sent to localities/code officials regarding adherence to the Board's regulation. The draft will be presented at the June 16, 2011, APELSCIDLA meeting for approval. The Section recommended an additional letter be sent to Fairfax County expressing the Section's displeasure with the Technical Memorandum. Ms. Nosbisch stated that a draft would be prepared for approval of the full board at the June 16 meeting.

Discussion was held on the Guidance Document on topographic surveys that was approved by the APELSCIDLA Board at its March 22, 2011 meeting. Ms. Nosbisch informed the Section that the Landscape Architect and PE sections discussed the document at their respective section meetings, as there had been a question regarding what is considered "general information" with regards to GIS mapping and USGS quad sheets, and whether these would need to be signed and sealed. Ms. Nosbisch stated that all affected sections of the board would review the guidance document.

**Review of Guidance Document on Topographic Surveys**

The LA Section determined that if GIS mapping or USGS quad sheets are used for general information purposes such as development of a site plan, they do not have to be signed and sealed. However, the topographic survey of the site plan would need to be signed and sealed. The PE Section concurred, and also added that a note would be needed on the topographic survey stating the source of the information. Ms. McIntyre suggested adding a number 4 under the 'Summary' segment stating that the source of the general information must be noted. The LA and PE sections also agreed to change verbiage in the last sentence of the document from "are in violation" to "may be in violation." The Land Surveyor Section agreed by consensus. The revised Guidance Document will be reviewed by the Architect Section meeting May 17, and will then be presented to the full board for approval at its meeting June 16, 2011.

Mr. Holt requested discussion on VDOT requirements for acquisition plats. The Section agreed that while the Board regulates VDOT licensed professionals, they do not regulate VDOT. However, as VDOT acquisition plats are boundary plats, they must adhere to the board's regulations.

**VDOT Requirements for Acquisition Plats**

Ms. Nosbisch reported that Dan Parker, from the Washington State Board of Registration for Professional Engineers and Land Surveyors, is running for NCEES Treasurer.

**NCEES Update**

Ms. Nosbisch also reported that she and Mr. Wiley V. Johnson, PE and APELSCIDLA Board member, would be attending the NCEES Northeast Zone meeting May 19-21, in Annapolis, Maryland.

Ms. Nosbisch informed the Section that NCEES is offering funding for the annual meeting to new board members and that Mr. Holt will be given the opportunity to attend the annual meeting as the funded delegate. Ms. Nosbisch and Mr. Johnson plan to attend the NCEES Annual meeting as well, pending authorization.

Ms. Nosbisch provided the Section with article regarding the state of Texas suspending funding for their Land Surveyor board. She also reported that there are several states considering consolidation of boards or deregulation of professions.

**Other Business**

Ms. Nosbisch informed the Section that JMU had been approved as an exam location and would be administering exams beginning in October 2011.

Mr. Stephenson expressed his concerns with the number of low scores on the April 2011 Virginia exam. Mr. Stephenson explained that the average performance of applicants usually curves the passing score to 68% or 67%. His concern is that the number of low scores will drive the curve down below the usual 68% or 67%. Mr. Stephenson will speak to Patsy Steele of PCS, exam vendor, stating that the LS Section does not want the cut score to be any lower than 67%.

Ms. McIntyre suggested re-evaluating the information on the DPOR website regarding exams and reference materials at the August 10 section meeting.

Mr. Holt reported that Ms. Nosbisch did a great job presenting at the SAME conference April 27 in Norfolk.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest  
Forms**

There being no further business, the meeting was adjourned at 11:40 a.m.

**Adjourn**

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W.R. Stephenson, Jr., Chair

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Gordon N. Dixon, Secretary